

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)	
On Its Own Motion)	
)	11-NOI-01
Notice of Inquiry into the Implementation)	
Of Public Act 97-0222)	

**Reply Comments of the
Citizens Utility Board and
The People of the State of Illinois**

The Citizens Utility Board, through its attorney, (“CUB”), and the People of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois (“the People”), hereby file their Reply Comments in the above-captioned Notice of Inquiry, pursuant to the schedule established by the Commission in its Order of October 19, 2011.

CUB/AG appreciates all of the parties’ comments and ideas as to how to improve the information supplied to customers contemplating switching to an alternative retail electric supplier (“ARES”) by the Office of Retail Market Development (“ORMD”). In these Reply Comments, CUB/AG would like to note their support for and disagreement with certain filed Comments. Failure to note a certain comment or idea should not be interpreted as CUB/AG concurrence with any particular argument.

Residential Real-Time Pricing

Specifically CUB/AG would like to offer support for both CNT Energy’s and Commonwealth Edison Company’s (“ComEd”) request for inclusion of more robust and explanatory information regarding the Residential Real Time Pricing (“RRTP”) programs in the State of Illinois. CNT Comments at 1-10; ComEd Comments at 1-2. Such RRTP options are a supply choice that should be highlighted on the Plug In Illinois website. Supplying such information is consistent with, and indeed required by, Section 16-117(e)(2) of the Public

Utilities Act, which provides that the minimum information supplied by the ORMD include, *inter alia*:

(2) the choices available to consumers to take electric service from an alternative retail electric supplier or remain as a retail customer of an electric utility... .

220 ILCS 16-117(e)(2). RRTP is indeed a choice that consumers have available to them.

Information about this option should be supplied on the website.

The Commission should update the Plug-In Illinois website to include this necessary information.

Electric Choice and Low-Income Program Eligibility

As noted in the CUB/AG and Ameren Initial Comments, additional and more detailed information related to the implications of switching to an ARES in general or via municipal aggregation for customers who participate in the Low Income Home Energy Assistance Program (“LIHEAP”) & LIHEAP Percentage of Income Payment Plan (“PIPP”) must be included on the Office of Retail Market Development (“ORMD”) website. CUB/AG Comments at 1-3; Ameren Comments at 2, 3. Potential loss of those payment assistance benefits by switching to an ARES, and the need to opt-out of any municipal aggregation to retain those benefits, must be explained on the website. Inclusion of such information is consistent with Section 16-117(e)(3) of the Act, which provides that:

(e) At a minimum, the consumer education information submitted to the Commission by the Office of Retail Market Development shall include concise explanations or descriptions of the following:

... (3) a customer's rights, risks and responsibilities in receiving service from an alternative retail electric supplier or remaining as a retail customer of an electric utility... .

220 ILCS 5/16-117(e)(2).

ORMD, too, can assist in this educational effort by reaching out to social service agencies that handle LIHEAP and PIPP applications to ensure that this message is being communicated at the time of customer application. The proactive inclusion of such information for affected low-income customers is an important step in preventing customers' loss of these vital benefits.

Annual vs. Current Season Prices

CUB/AG agrees with Ameren's suggestion that "the website should provide the Ameren Illinois annual prices so that they can be compared to the RES's 12 and 24 month offers."

Ameren Comments at 3. CUB/AG agree that this is valuable information that customers in both Ameren's and ComEd's service territories need to be able to make the most informed choice of suppliers, particularly when those customers may be entering into multi-year contracts.

However, CUB/AG would want to see both the current and annualized rate presented for both companies, not simply the annualized rate.

Complaint/Inquiry Nomenclature

CUB and the AG take issue with the National Energy Marketers' Association ("NEM") argument that "using the word 'complaint' carries an unnecessary, negative connotation to consumers," and should be replaced with the label "inquiries" in various forms. NEM Comments at 4. Under the Commission's newly proposed rule, Obligations of Retail Electric Suppliers,¹ the Commission is obligated to disclose, on at least a quarterly basis, summaries of all formal and informal *complaints* received by it for RESs, and publish such summaries on its web site "in an easy-to-read and user friendly format." Proposed 83 Ill.Admin.Code Part

¹ The rule, promulgated in ICC Docket No. 09-0592, is now before the Joint Committee on Administrative Rules of the Illinois General Assembly on its second notice period.

412.230, Second Notice Order, ICC Docket No. 09-0592. Relabeling customer grievances as “inquiries” hardly conveys the significance of the customer contact.

Perhaps more importantly, at the risk of stating the obvious, there is a reason it is essential to maintain the use of the word “complaint” when tracking the number or percentage of customers who have grievances with an ARES. The word “complaint” is defined by Webster’s Dictionary as an “expression of grief, pain, or dissatisfaction; something that is the cause or subject of protest or outcry; a formal allegation against a party.”² Again, labeling such grievances as “inquiries” will not convey the implication of the customer contact regarding the ARES.

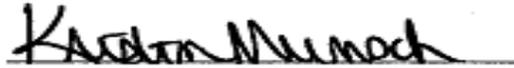
Capacity charges

Finally, although not addressed in Initial Comments, CUB and the AG wish to add that information regarding discrete Capacity charges should be included on the OMRD website. For example, customers should understand that bundled customers of ComEd have their Capacity charges averaged out across a broader pool and incorporated in their kWh supply charges, which are set by tariff. When a customer contracts with an ARES, that customer’s individual account’s maximum capacity metric is applied against that tariff price, and if it is higher than the IPA’s average, the customer will see a discrete higher cost. An explanation as to how Capacity charges are incorporated (or not incorporated) in bundled and ARES rates should be included among the information provided by the OMRD website to ensure that customers understand this pricing characteristic.

² <http://www.merriam-webster.com/dictionary/complaint>.

Conclusion

WHEREFORE, the Citizens Utility Board and the People of the State of Illinois hereby request that the information supplied by the ORMD related to electric choice be modified in accordance with the Reply Comments above, as well as those expressed in the CUB/AG Initial Comments.



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